



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.11.2024

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD)No.24664 of 2016
and
W.M.P(MD)No.17783 of 2016

1.T.R.Nanthlal
2.T.R.Kannan

... Petitioners

Vs

1.The Inspector General of Registration,
Registration Department,
No.100, Santhome High Road,
Chennai – 28.

2.The Madurai North District Registrar,
(Administration),
Registration Department,
Madurai North, Madurai District.

3.The Sub Registrar,
Registration Department,
Othakkadai Sub Registrar's Office,
Keela Othakkadai Post,
Madurai Taluk & District.

4.K.Sethuraj
5.S.Leelavathy

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records of the 2nd respondent in Na.Ka.No.3490/A1/2013, dated 31.05.2016 and quash the same



as illegal and consequently direct the 2nd respondent to annul the entries made in General Power Deed Document No.3917/2013, dated 21.08.2013 and annul the entries in Sale Deed Document No.3918/2013, dated 21.08.2013 in Book 1 in the office of the 3rd respondent within a time frame that may be stipulated by this Court.

For Petitioners : M/s.K.V.Ramkumar
For Respondents : Mr.M.Sarangan
Additional Government Pleader
for R1 to R3

ORDER

The prayer sought for in the writ petition is, challenging the proceedings of the second respondent and quash the same as illegal and for a consequential direction to annul the entries made based on the general power of attorney and the Sale Deed in Document No.3918 of 2013, dated 21.08.2013 on the file of the third respondent.

2.The second petitioner herein had originally approached the second respondent with a request to cancel the sale deed registered in document No. 3918 of 2013 on the file of the third respondent, which was rejected by indicating the order of stay granted by this Court against the Circular No.67, dated 03.11.2011.

3.It is to be noted that this Court has held in Circular No.67 to be invalid and further provision under Section 77A which also enables the authority under Registration Act to enquire into the validity of the sale deed / documents that



had been registered by the registration department is also bad. In view of the categorical findings, even if the order impugned is hereby set aside, there is no authority with the second respondent to enter upon the issue that has been raised by the petitioner before the second respondent.

4. In such view of the matter, I do not find any merits in the writ petition. However, granting liberty to the petitioner to approach appropriate civil Court seeking appropriate remedy. When the petitioner approaches the civil Court, he would also be entitled to the benefits under Section 14 of the Limitation Act to exclude the period of pendency of this writ petition before this Court.

5. With the above said liberty, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

13.11.2024

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
RJR



WEB COPY



K.KUMARESH BABU, J.

RJR

To

1.The Inspector General of Registration,
Registration Department,
No.100, Santhome High Road,
Chennai – 28.

2.The Madurai North District Registrar,
(Administration),
Registration Department,
Madurai North,
Madurai District.

3.The Sub Registrar,
Registration Department,
Othakkadai Sub Registrar's Office,
Keela Othakkadai Post,
Madurai Taluk & District.

W.P.(MD)No.24664 of 2016

13.11.2024